

REMARKS

The Official Action mailed October 22, 2003, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on August 24, 2001, and July 23, 2003. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-21, 23-39 and 41-64 are pending in the present application, of which claims 1-6, 60 and 61 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action objects to the title as not descriptive. In response, the title has been amended to "LIGHT EMITTING DEVICE COMPRISING LIGHT-EMITTING LAYER HAVING TRIPLET COMPOUND AND LIGHT-EMITTING LAYER HAVING SINGLET COMPOUND." Reconsideration is requested.

The Official Action rejects claims 1, 4 and 57 as anticipated by U.S. Patent No. 6,420,834 to Yamazaki et al. The Applicants respectfully traverse the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present invention. Yamazaki '834 does not teach all the elements of the independent claims, either explicitly or inherently. Independent claims 1 and 4 recite a light emitting device comprising both a first EL element comprising a triplet compound and a second EL element comprising a singlet compound. The Official Action asserts that Yamazaki '834 discloses "a light emitting device comprising ... one EL element 43 in the pixel portion comprising a triplet

compound (embodiment 11) and another EL element in the pixel portion comprising [a] singlet compound (Alq as the host doped with fluorescent pigment)" (page 3, Paper No. 10). The Applicants respectfully disagree and traverse the above assertions in the Official Action. Yamazaki '834 appears to teach, individually, a triplet compound and, individually, an EL element comprising a singlet compound. The Applicants respectfully submit that Yamazaki '834 does not teach a light emitting device comprising both a first EL element comprising a triplet compound and a second EL element comprising a singlet compound. Therefore, Yamazaki '834 does not teach all the features of the present invention, either explicitly or inherently.

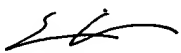
Since Yamazaki '834 does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) are in order and respectfully requested.

The Official Action rejects claims 2, 5, 20, 23 and 58 as obvious based on the combination of Yamazaki '834, U.S. Patent No. 6,097,147 to Baldo et al. and U.S. Patent 5,457,565 to Namiki et al. The Official Action rejects claims 3, 6-19, 21, 24-39, 41-56 and 59-64 as obvious based on the combination of Yamazaki '834, Baldo, Namiki and U.S. Patent No. 5,928,802 to Shi et al.

However, Yamazaki '834, as a commonly owned reference under § 102(e), may not be considered for a rejection under § 103. Subject matter developed by another which qualifies as prior art only under one or more of subsections 35 U.S.C. 102(e), (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made. See MPEP § 2146. Since the disclosure by Yamazaki '834 and the claimed invention of the present application were, at the time the invention was made, subject to an obligation of assignment to Semiconductor Energy Laboratory Co., Ltd., Yamazaki '834 may not be considered for a rejection under § 103. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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